

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

KATAY JOSEPH

PETITIONER

V.

CIVIL ACTION NO. 3:17-CV-286-DPJ-FKB

WARDEN SHULTZ

RESPONDENT

ORDER

This habeas corpus petition under 28 U.S.C. § 2241 is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge F. Keith Ball [15]. Judge Ball recommends dismissal with prejudice for lack of jurisdiction because Petitioner Katay Joseph’s challenge to his sentence under the Armed Career Criminal Act should have been filed as a 28 U.S.C. § 2255 motion in the sentencing court. Joseph failed to file an objection to the R&R, and the time to do so has now expired.

The Court, having fully reviewed the unopposed R&R, and being advised in the premises, finds that the R&R should be adopted as the opinion of the Court. It is, therefore, ordered that the Report and Recommendation [15] of United States Magistrate Judge F. Keith Ball be, and the same is hereby, adopted as the finding of the Court. The Petition is dismissed. A separate final judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 11th day of March, 2019.

*s/ Daniel P. Jordan III*  
CHIEF UNITED STATES DISTRICT JUDGE